HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 8477 OF 2006

DATED: 27.4.2006

Between:

Ch. Nagaraju

… Petitioner

and

The Commissioner of Endowments,

Government of A.P., and another

… Respondent

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.8477 OF 2006

ORAL ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

Responding to a notification for public auction for grant of leasehold rights for sale of certain items, in respect of Sri Gnana Saraswathi Devasthanam, Basara, Adilabad District, the petitioner submitted his bid for collection of coconut pieces that are offered by devotees to the Presiding Deity. Auction was held on 9.11.2005 and an Earnest Money Deposit of Rs.50,000/- was also deposited by the petitioner. Auction was however re-scheduled for some reason and at the re-scheduled auction on 15.11.2005, the petitioner turned out to be the highest bidder on a bid of Rs.4,00,000/-. The 2nd respondent accepted the petitioner's bid as the most competitive and sent up proposals recommending the petitioner's bid for consideration to the 1st respondent on 22.11.2005. The 1st respondent thereupon addressed the 2nd respondent on 21.1.2006 to specify reasons why the bid was low, compared to the previous year's bid for the same event. The Commissioner-1st respondent received the response of the 2nd respondent on 7.3.2006.

On instructions the learned Government Pleader for Endowments states that on considering the entire material on record, including the response of the 2nd respondent, the 1st respondent by an order dated 12.4.2006, cancelled the tender process insofar as collection of coconuts is concerned and the said decision was communicated to the 2nd respondent.

In the circumstances, the petitioner is entitled to refund of the amounts deposited by him. There is already a five month gap between the date of the auction

and the cancellation of the bids and the petitioner's money is blocked up with the Endowments Department.

In the aforesaid circumstances, the writ petition is disposed of rejecting the principal relief sought by the petitioner namely; a declaration that he is entitled for leasehold rights, while directing the 1st respondent to ensure refund of the petitioner's amount to him within 48 hours from the date of receipt of a copy of this order. Appropriate administrative and close monitoring and follow up shall be initiated by the 1st respondent to ensure that the amounts are returned to the petitioner within the time stipulated above, without fail or demur.

With the above observations, the writ petition is disposed of at the stage of admission. There shall be no order as to costs.

GODA RAGHURAM, J

Date: 27.4.2006

Note: CC in three days

Bo CVM